REMARKS

Claims 1-29 are pending in this application. Claims 1, 9, 14 and 22 have been amended, and new claims 30-33 have been added. No new matter has been added. An IDS is submitted herewith.

In the Office Action, claims 1-9, 11, 13-20, 23-25 and 28 stand rejected under 35 U.S.C. §102(e) over U.S. Publication No. 2002/0183059 to *Noreen et al.* ("Noreen") and claims 10, 12, 21-22 and 26-27 stand rejected under 35 U.S.C. §103 over Noreen in view of U.S. Publication No. 2001/0053944 to *Marks* ("Marks"). For at the least the reasons provided below, Applicant respectfully submits that the pending claims are neither taught nor suggested by either reference cited by the Examiner, either individually or in combination. Accordingly, prompt allowance of the pending claims is respectfully requested.

Although the Office Action states claims 1-28 are pending, this is an error, inasmuch as claims 1-29 were the original claim set and no claim ahs been canceled. Applicants respectfully request an indication that claim 29 is also being considered.

The pending claims of the above-identified application are directed to a system and method for automatically identifying program selections (*e.g.*, particular audio program, or music selections) specified in a user's playlist. As explained in the specification, broadcasting systems exist that provide numerous channels of programming, such as, for example, the more than 100 channels of digital audio content broadcast by Sirius Satellite Radio Inc. of New York, New York. *See Specification* ¶¶0002-03. According to an exemplary embodiment of the present invention information descriptive of the particular content playing on multiple channels of

programming can be evaluated, in accordance with a prioritized playlist created by a user. *Id.* at ¶¶0021-22, 0029-31.

Accordingly, each of the pending claims recite the ability to evaluate the program content on multiple broadcast channels in order to identify desired program content in accordance with a playlist created by the user and then cause a receiver to be tuned to a channel whose content matches a playlist selection. For example, independent claim 1 recites a computer usable medium including computer readable code

> for receiving data relating to at least one of a plurality of broadcast channels, the data relating to the at least one of the plurality of broadcast channels, including a content identification signal for more than one of the plurality of broadcast channels,

and for

> processing the data and generating an output for automatically tuning a receiver to a specific broadcast channel if the content identification signal for one of the plurality of broadcast channels matches a selection in a playlist including a prioritized list of user selections.

Independent claims 14 and 22 recite similar limitations for a programmable receiver and a method for receiving personalized broadcasts, respectively. Thus, according to the claimed embodiments of the present invention, descriptive information for the content of multiple broadcast channels can be monitored so that particular content of interest can be automatically selected for the user based on the playlist.

Applicant respectfully asserts that the references cited in the pending Office Action in no way teach, or even suggest, providing content identification for multiple broadcast channels in a communication system — in addition to the content of a particular channel — and also evaluating the content identification information for multiple channels as a function of a prioritized playlist to automatically tune a receiver as recited in the pending claims.

For example, *Noreen* describes an interactive system that uses various types of wireless back channels to communicate via a "network operations center" with Internet sites. As explained in *Noreen*, a mobile unit capable of receiving a broadcast transmission includes "a wireless transmitter for transmitting wireless signals to the system." *Noreen* Specification at ¶0010. The purpose of this transmitter is to send information back to the interactive system (in particular, the "network operations center") so that the user can, for example, order goods via the internet. *Id.* at ¶0010-13. The portion of *Noreen* cited in the Office Action describes this interactive operation with feedback – including information necessary for the network operations center to identify the particular program segment the receiver had to have been tuned to – being provided from the receiving device. *See. e.g.*, *Noreen* at ¶¶0015-17, ¶¶0050-55, ¶0062.

Nowhere, however, does *Noreen* describe, or even mention, providing information on the content of multiple channels to a receiver and evaluating this content information to select a channel to be played to the user as a function of a playlist which includes prioritized user sections. In fact, nothing in *Noreen* describes automatic selection of content to be played for a user based on a user's criteria. Rather, *Noreen* describes communications from the mobile unit after content is played for the user, such as, for example, requesting additional information responding to an advertisement, etc. As a result, *Noreen* does not teach or suggest the evaluation of content information for multiple channels for selection of particular content based on a user's playlist, as recited in the pending claims.

While the Office Action cites to Fig. 15, ¶¶74-84 of *Noreen* as somehow teaching processing data relative to a playlist and generating an output to automatically tune a receiver to a specific broadcast channel (Office Action at ¶2), Applicant does not see any such teaching or suggestion in that (or any other) portion of *Noreen*. The only mention of the word "playlist"

occurs in ¶74, at col. 11, where it means a listing of programs, as in a schedule of stations and formats, and this "playlist" is what is sent back to the mobile unit from the network operations center via the backchannel for display to a user, not something stored on the receiver itself and used as an input in the processing of incoming data relating to at least one of a plurality of broadcast channels. In fact, not only does the *Noreen* playlist only provide a listing of stations (as opposed to storing a set of content ID signals to match with a received data), but in contrast to the claimed "automatically tuning a receiver in response to an output of data processing" feature, *Noreen* describes how upon viewing such a "playlist" of local stations, a *user* could *press a select button* to tune one of them, which is anything but automatic. Id. At ¶74.

The addition of *Marks* does not cure the failings of *Noreen*. In particular, *Marks* describes an audio internet navigation system that provides a user with selectable additional information that is made available based on the user's current selection. *See Marks* at ¶0012. Further, the user's real-time selection affects the options presented to the user. *See, e.g. id* at ¶0048. Like *Noreen*, however, *Marks* nowhere suggests or describes providing content information for multiple broadcast channels available to the user and evaluating the content information to select a particular broadcast channel based on a user's prioritized playlist, as recited in the pending claims.

New claims 30-33 are each dependent upon claim 1, and thus patentable for similar reasons.

Therefore, at least for the reasons set forth above, *Noreen* and *Marks*, individually or in combination, do not teach or suggest the claimed invention. Accordingly, Applicant respectfully asserts that the pending claims are in condition for allowance. Prompt allowance is earnestly solicited.

Respectfully submitted,

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